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Security Council

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Letter dated 19 December 2003 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council

I have the honour, in my capacity as Chairman of the Security Council Informal Working Group on General Issues of Sanctions, to forward herewith a copy of my final report on the work of the Group for the period 2002-2003, as adopted by consensus during our last meeting on 16 December 2003 (see annex).

May I add that the said report was presented to the Council today, 18 December 2003.

I will be most grateful if the report is circulated as a document of the Security Council.

(*Signed*) Martin **Belinga-Eboutou**

* Reissued for technical reasons.

03-67083* (E) 130104

Annex to the letter dated 19 December 2003 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council

Statement by the Chairman of the Informal Working Group on General Issues established pursuant to the note of the President of the Security Council of 17 April 2000 (S/2000/319)

[Original: French]

1. In the note dated 15 January 2002 by the President of the Security Council (S/2002/70), the Council agreed that I should serve as Chairman of the Council's Informal Working Group on General Issues of Sanctions until 31 December 2003. My task was to lead the Working Group in its continuous effort to develop general recommendations on how to improve the effectiveness of United Nations sanctions.

2. Under my chairmanship, the Working Group has held several formal and informal meetings, mainly in order to finalize its proposed outcome document, "Chairman's proposed outcome", presented by the former Chairman, Ambassador Chowdhury (Bangladesh), to the Security Council on 16 February 2001 as a document pending finalization.

3. The Chairman's proposed outcome constitutes a non-paper draft report based on the work of the Group since its establishment in April 2000. That document largely consists of a series of draft recommendations on how to improve sanctions design, administration and implementation. These recommendations concern the sanctions committees; the United Nations Secretariat; cooperation with international organizations; the imposition, suspension, lifting, monitoring, enforcement, assessment and evaluation of sanctions; humanitarian exemptions; targeted sanctions; assistance to States in implementation of sanctions; and the unintended impact of sanctions on third States.

4. During the last two years, the Working Group has discussed a number of complex issues contained in the mentioned document. With respect to procedure, the Group has debated the status of the outcome document; the acceptability of reopening issues contained in the document on which provisional consensus has already been reached; and the form in which it should be presented to the Council. As the Group agreed to work according to the principle that "nothing is agreed until all is agreed", all previous agreements reached on the text were considered to be of a provisional status only. On questions of substance, the Group discussed such issues as the degree of access to the sanctions committees by States affected by the unintended consequences of United Nations sanctions; assistance to third States affected by sanctions; the imposition of time limits on sanctions; the conditions for lifting sanctions; and the role of the Secretariat with respect to monitoring and implementing sanctions. In May 2002, the Group heard a detailed briefing by the assistant of its former Chairman, Ambassador Chowdhury, on the Chairman's proposed outcome drafted under his chairmanship. The briefing was very useful for the orientation of the new members of the Group since the initial document in question had gone through substantial changes through 10 extensive revisions. On that occasion, the representative of Bangladesh stressed that without political will no substantive progress in overcoming difficulties in the outcome document could be achieved.

5. During the last two years, the Working Group has made progress on several outstanding issues and succeeded in reaching provisional agreement with regard to the following proposals:

(a) The sanctions committees are to make their decisions available to Member States unless such a disclosure could harm the implementation of the sanctions;

(b) The sanctions committees will not consider majority voting with respect to procedural matters and humanitarian exemptions;

(c) The Security Council will, in all relevant cases, seek preassessment reports before the adoption of new sanctions regimes;

(d) The Security Council may also wish to consider improving monitoring arrangements in order to enhance the efficiency and effectiveness of sanctions and to enhance the Council's efforts to investigate violations of sanctions;

(e) The Security Council may also wish to consider special representatives or fact-finding missions to assess the effects of sanctions on third States and identify possible ways of assisting those States.

6. When the Group's attempt to achieve further progress on the outcome document reached an impasse, a proposal was made at its meeting on 29 April 2003 to discuss the possibility of simultaneously holding meetings on thematic issues related to the outcome document with the possibility of inviting outside experts. No agreement materialized from those deliberations, mainly because some members felt that the Group's first priority should be the finalization of its recommendations document. In that connection, as Chairman of the Group, I strongly encouraged Group members to engage in bilateral consultations to achieve that goal. My assistant also conducted a number of informal discussions with those members of the Group who demonstrated serious interest in further improvement of the outcome document. I wish to take this opportunity to thank all of them for their interest and efforts to assist me as Chairman of the Group.

7. I must admit that despite all the efforts of my predecessor, Ambassador Chowdhury and members of the Working Group and my personal involvement, it has not yet been possible for the Group to conclude its considerations and to reach agreement on the outcome document because the Group is still unable to approve two interlinked provisions regarding the duration and termination of sanctions. While some members feel that sanctions should be established by the Security Council without any time limits and thus create the necessary pressure on the target to comply with the clear demands of the Council, most Members of the Group are convinced that the Council, when imposing sanctions, should always set time limits for their termination and evaluation of their effectiveness in order to avoid perpetuation of sanctions regimes that have not achieved their objectives. I view these differences, which have been preventing us from reaching a consensus for more than two years, as being more of a conceptual than of a specific language-oriented nature. This may explain why all efforts to bridge them by various proposed amendments have failed. I wish to take this opportunity to appeal again to the members of the Council to overcome these few remaining obstacles through a compromise especially given that the Council, whenever it imposes a sanctions regime, is in no way restricted in making its decisions, especially not by decisions adopted at the level of its subsidiary body. As Chairman of one of the sanctions

committees, you are aware that although the number of sanctions committees has recently decreased their complexity is growing. As an example, I can cite the al-Qaida/Taliban sanctions committee. This should be taken into account in any future deliberations of the Working Group.

8. Sanctions remain an important tool available to the Security Council in achieving its objectives. We think that it is important for all the participants involved in the enforcement and implementation of sanctions (i.e., Member States, international organizations, civil societies, scholars and researchers) to reflect on sanctions policies. In that context, we wish to stress the relevance of the Interlaken, Bonn-Berlin and Stockholm processes concerning specific and general sanctions issues. Those three processes, initiated by the Governments of Switzerland, Germany and Sweden, have generated many useful ideas, which — if discussed, agreed upon and put into practice — could further fine-tune the use of sanctions as an instrument and contribute to their effective implementation. I believe that we would fail in our responsibilities if we did not continue our work in the area of general sanctions issues.

9. I am pleased that some recommendations of the draft outcome document are already implemented. Let me mention that sanctions committees now publish their reports and their chairmen frequently visit selective countries and regions. Furthermore, the Secretariat already maintains a database of outside experts who can be called upon to serve on monitoring bodies or assist sanctions committees. Also, the Secretariat maintains and updates web sites for the sanctions regimes, frequently accessed and used by Member States, mass media and other users. Therefore, I am convinced that additional effort is needed to finalize the outcome document, because once it is approved the sanctions committees and Member States may greatly benefit from it in their efforts to further improved United Nations sanctions.

10. I therefore propose to extend the current mandate of the Working Group for at least one more year so that the Group can continue its effort to find common ground with respect to the last few outstanding issues still under its active consideration and proceed with its necessary work to provide general recommendations on how to improve the effectiveness of United Nations sanctions.

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22 January 2004
English
Original: English and French

Letter dated 19 December 2003 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council

I have the honour, in my capacity as Chairman of the Security Council Informal Working Group on General Issues of Sanctions, to forward herewith a copy of my final report on the work of the Group for the period 2002-2003, as adopted by consensus during our last meeting on 16 December 2003 (see annex).

May I add that the said report was presented to the Council on 18 December 2003.

I would be most grateful if the report is circulated as a document of the Security Council.

(*Signed*) Martin **Belinga-Eboutou**

** Second reissue for technical reasons.

03-67083** (E) 300104

Annex to the letter dated 19 December 2003 from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council

Statement by the Chairman of the Informal Working Group on General Issues of Sanctions established pursuant to the note of the President of the Security Council of 17 April 2000 (S/2000/319)

1. In the note dated 15 January 2002 by the President of the Security Council (S/2002/70), the Council agreed that I serve as Chairman of the Council's Informal Working Group on General Issues of Sanctions until 31 December 2003. My task was to lead the Working Group in its continuous effort to develop general recommendations on how to improve the effectiveness of United Nations sanctions.

2. Under my chairmanship, the Working Group has held several formal and informal meetings mainly in order to finalize the "Chairman's Proposed Outcome" presented by the former Chairman, Ambassador Chowdhury (Bangladesh), to the Security Council on 16 February 2001 as a document pending finalization.

3. The Chairman's Proposed Outcome constitutes a non-paper draft report based on the work of the Group since it was established in April 2000. This document largely consists of a series of draft recommendations on how to improve sanctions design, administration and implementation. These recommendations concern the sanctions committees; the United Nations Secretariat; cooperation with international organizations; the imposition, suspension, lifting, monitoring, enforcement, assessment and evaluation of sanctions; humanitarian exemptions; targeted sanctions; assistance to States in implementation of sanctions; as well as the unintended impact of sanctions on third States.

4. During the last two years, the Working Group discussed a number of complex issues contained in the above-mentioned document. With respect to procedure, the Group debated the status of the outcome document; the acceptability of reopening issues contained in the document where provisional consensus had already been reached; as well as the form in which it should be presented to the Council. As the Group agreed to work according to the principle that nothing is agreed until all is agreed, all previous agreements reached on the text were of a provisional status only. On the substance, the Group discussed issues such as the degree of access to the sanctions committees by States affected by the unintended consequences of United Nations sanctions; assistance to third States affected by sanctions; the imposition of time limits on sanctions; the conditions for lifting sanctions; and the role of the Secretariat with respect to monitoring and implementing sanctions. In May 2002, the Group heard a detailed briefing by the assistant of its former Chairman, Ambassador Chowdhury, on the Chairman's Proposed Outcome drafted under his Chairmanship. The briefing was very useful for the orientation of the new members of the Group, as the initial document in question had gone through substantial changes through ten extensive revisions. On that occasion, the Bangladeshi representative stressed that without political will, no substantive progress in overcoming difficulties in the outcome document could be achieved.

5. During the last two years, the Working Group has made progress on several outstanding issues and succeeded in reaching provisional agreement with regard to the following proposals, to which most but not all members provisionally agreed:

- The sanctions committees will make their decisions available to all Member States unless they decide that such disclosure does not facilitate sanctions implementation;
- The sanctions committees will continue to employ the consensus rule for all decisions, including decisions on procedural matters and humanitarian exemptions;
- The Security Council will, in all relevant cases, seek preassessment reports before the adoption of new sanction regimes;
- The Security Council may also consider improving monitoring arrangements in order to enhance the efficiency and effectiveness of sanctions, as well as to enhance the Council's efforts to investigate and identify the sources and methods of violations of sanctions;
- The Security Council may also consider appointing special representatives or dispatching fact-finding missions to assess the effects of sanctions on third States and to identify possible ways of assisting these States.

6. When the Group's attempt to achieve further progress on the outcome document reached an impasse, a proposal was made at its meeting on 29 April 2003 to discuss the possibility of simultaneously holding meetings on thematic issues related to the outcome document with the possibility of inviting outside experts. No agreement materialized from these deliberations, mainly because some members felt that the Group's first priority should be the finalization of the outstanding recommendations of its draft outcome document. In this connection, as Chairman of the Group, I strongly encouraged Group members to engage in bilateral consultations to achieve this goal. My assistant also conducted a number of informal discussions with those members of the Group who demonstrated a great interest in further improvement of the outcome document. Taking this opportunity, I wish to thank all of them for their interest and effort made to assist me as Chairman of the Group.

7. Mr. President, I must admit that, despite all efforts by my predecessor Ambassador Chowdhury and members of the Working Group and my personal involvement, it has not yet been possible for the Group to conclude its considerations and to reach agreement on the outcome document because the Group is still unable to approve two interlinked provisions regarding the duration and termination of sanctions. Members believe that sanctions imposed by the Security Council should remain in place until the objectives of the sanctions, namely a desired change in actions or policies of the targeted actor, have been achieved. Many members are also convinced that the Council should always impose sanctions for limited periods of time, taking all factors into account. Mr. President, I view these differences, which have been preventing us from reaching a consensus for more than two years, as being more of a conceptual rather than of a specific language-oriented nature. Perhaps, therefore, all efforts to bridge them by suggesting various amendments have failed. Mr. President, I believe that discussions should continue among members of the Security Council to work to overcome the fundamental differences on the remaining issues in the outcome document. Mr. President, I am taking this opportunity to again appeal to the members of the Council to overcome these few remaining obstacles through a compromise, especially in the light of the fact that the Council, whenever it imposes a sanctions regime, is in no way restricted

in making its decisions, especially not by decisions adopted at the level of its subsidiary body. Mr. President, as Chairman of one of the sanctions committees, you are aware that although the number of sanctions committees has recently decreased, their complexity is growing. This should be taken into account in any further deliberations of the Working Group.

8. Mr. President, sanctions remain an important tool available to the Security Council in achieving its objectives. We think that it is important for all participants involved in the enforcement and implementation of sanctions (i.e., Member States, international organizations, civil societies, scholars and researchers) to reflect on the policies of sanctions. In this context, we wish to stress the relevance of the Interlaken, Bonn-Berlin and Stockholm processes concerning specific and general issues of sanctions. The members of the Group would like to thank those countries that hosted these processes, which have contributed to the fine-tuning of sanctions and to their effective implementation.

9 I am pleased that some recommendations of the draft outcome document are already implemented. Let me mention that sanctions committees now publish their reports, and their Chairmen frequently visit selective countries and regions. Furthermore, the Secretariat already maintains a database of outside experts who can be called upon to serve on monitoring bodies or assist sanctions committees. Also, the Secretariat maintains and updates web sites for the sanctions regimes, frequently accessed and used by Member States, mass media and other users. The progress made so far with the outcome document has therefore already been useful.

10. I therefore propose to extend the current mandate of the Working Group for one more year. Mr. President, it is my personal conviction that we would fail in our responsibilities if we did not continue our work in the area of general issues of sanctions and, thus, discharge the mandate entrusted to us four years ago.

18 December 2003